

Remarks

Rejections Under 35 U.S.C. §112 first paragraph.

The Examiner has rejected claims 42 through 56 under 35 U.S.C. §112 first paragraph asserting that the specification as filed does not describe in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had in possession the claimed invention. Specifically, the Examiner asserts that the claimed retroviral vectors that express Factor VIII polypeptide sequences lack essential teachings related to retroviral vectors pBA-5a, pBA-5b and pBA-5c. The Examiner notes that the essential information is incorporated by reference in the present specification by reference to co-pending U.S. patent application serial number 08/721,327 filed May 5, 1997 and owned by the present applicants (see page 158). However, the Examiner notes further that since the filing of the present application U.S. application serial number 08/721,327 has become abandoned. Therefore the Examiner has requested that essential information disclosed in 08/721,327 be incorporated into the present application in order to comply with under 35 U.S.C. §112 first paragraph.

The Applicants note that U.S. patent application serial number 08/721,327 serves as a priority document for issued U.S. patent numbers 6,013,517 and 6,333,195 which both contain the entire specification from U.S. application serial number 08/721,327. Moreover, the Applicants respectfully assert that with the publication of the aforementioned patents, enablement for the claimed invention is now in the published patent database. Therefore, the Applicants request the present application be amended to recite the published patent numbers as detailed above. No new matter has been added by this amendment.

With the amendment to the specification the Applicants respectfully assert that all 35 U.S.C. §112 first paragraph rejections have been traversed and respectfully request their withdrawal.

CONCLUSION

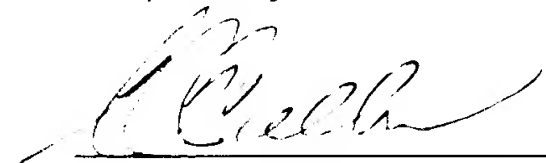
The Applicants respectfully assert that claims 37-56 are now in condition for immediate allowance, and such action is respectfully requested.

If it is felt for any reason that direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

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Louis C. Cullman
Registration No. 39,645
Attorney for Applicants

STRADLING YOCCA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: 949.725.4000
Facsimile: 949.725.4100